

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DANE K. FISHER and  
RAGHUNATH V. LALGUDI

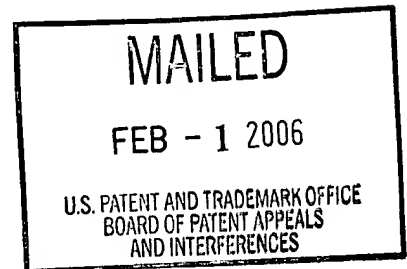
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Appeal No. 2004-1275  
Application 09/540,235

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**ORDER DISMISSING APPEAL**

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Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge,  
ADAMS, Administrative Patent Judge.

Per curiam.

On November 12, 2002, appellants filed a Notice of Appeal. On December 22, 2005, appellants filed a communication requesting that this application be expressly abandoned in view of a continuing application filed December 21, 2005.

Accordingly, it is

ORDERED that the appeal filed November 12, 2002, is dismissed.

Appeal No. 2004-1275  
Application 09/540,235

The application is being returned to the examiner for further action as may be appropriate.

  
Michael R. Fleming, Chief  
Administrative Patent Judge

~~Gary V. Harkcom, Vice Chief  
Administrative Patent Judge~~

Donald E. Adams  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

**Monsanto Company  
800 N. Lindbergh Blvd.  
Mailzone E2NA  
St. Louis, MO 63167**

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